

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV84-RJC-DSC**

SQUARE RING, INC.,

Plaintiff,

v.

**CLAYTON LYDELL TALFORD, HENRY
TODD PARKER, and CADRE GROUP,
LLC d/b/a CLUB NIKKI'S,**

Defendants.

MEMORANDUM AND ORDER

THIS MATTER is before the Court on the Plaintiff's "Motion to Strike Purported Answer of Corporate Defendant" (document #14) filed May 1, 2009.

The pro se Defendants have not responded to the Plaintiff's Motion and the time for filing a response has long expired.

On June 24, 2009, this matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), and the subject Motion is now ripe for the Court's consideration.

On March 3, 2009, the Plaintiff filed this action alleging that on November 8, 2008 the Defendants unlawfully received and displayed a boxing match at their commercial establishment (Club Nikki's) in violation of the Plaintiff's copyright in that program. The docket reflects that the Defendants were served with the Complaint and Summons on April 1 (Talford and Cadre Group, LLC) and April 2, 2009 (Parker). On April 20, 2009, the individual Defendants filed timely Answers to the Complaint. See documents ##11 and 12.

Also on April 20, 2009, the individual Defendants filed a purported Answer (entitled "Written Response to Civil Action") on behalf of the corporate Defendant, contending that they were

entitled to do so as “officers, directors, shareholders and/or principals” of the corporate Defendant. See document #13.

On May 1, 2009, the Plaintiff filed its “Motion to Strike Purported Answer of Corporate Defendant,” contending that a corporation must be represented by counsel and therefore that the corporate Defendant’s pro se Answer must be stricken. As stated above, the Defendants have not responded to the Plaintiff’s Motion.

Concerning the corporate Defendant’s failure to retain counsel, “[i]t has been the law for the better part of two centuries ... that a corporation may appear in federal courts only through licensed counsel.” Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993). Accord Gilley v. Shoffner, 345 F. Supp. 2d 563, 566 (M.D.N.C. 2004) (dismissing Complaint of pro se corporate plaintiff); Microsoft Corp. v. Computer Serv. & Repair, Inc., 312 F. Supp. 2d 779, 780 (E.D.N.C. 2004) (same); and Lexis-Nexis v. TraviShan Corp., 155 N.C. App. 205, 208, 573 S.E.2d 547, 549 (2002) (same).

While recognizing that unpublished opinions have no precedential value, the undersigned notes that the Fourth Circuit Court of Appeals has affirmed the District Court’s decision to “reject” a pro se corporate defendant’s Answer and instead enter default judgment against that party. Allied Colloids, Inc. v. Jadair, Inc., 139 F.3d. 887 (table) 1998 WL 112719, *1 (4th Cir. 1998) (“almost every court to address this issue has held that a corporation may not appear pro se but must be represented by duly licensed counsel”). See also Rhino Assoc., L.P. v. Berg. Manuf. & Sales Corp., 2008 U.S. Dist. LEXIS 2379 (M.D. Pa. 2008) (granting default judgment against corporate defendant where court allowed counsel to withdraw, set a deadline for retaining replacement counsel, and defendant did not comply); Blakewell v. Fed. Fin Group, Inc., 2007 U.S. Dist. LEXIS 82279 (N.D.

Ga. 2007) (same); and Microsoft Corp. v. Moss, 2007 U.S. Dist. LEXIS 73672 (N.D. Ga. 2007) (same).

Applying these legal principles to the record in this case, the Court concludes that the Plaintiff's Motion to Strike must be granted.

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's "Motion to Strike Purported Answer of Corporate Defendant" (document #14) is **GRANTED** and the Answer (entitled "Written Response to Civil Action") (document #13) of the pro se corporate Defendant Cadre Group, LLC is **STRICKEN**.

2. The Clerk is directed to send copies of this Memorandum and Order to counsel for the Plaintiff; to the pro se Defendants at the mailing addresses listed below; and to the Honorable Robert J. Conrad, Jr.

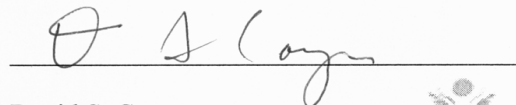
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Henry Todd Parker
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Cadre Group, LLC
3001 Little Road Road
Charlotte, NC 28214

SO ORDERED.

Signed: June 29, 2009



David S. Cayer
United States Magistrate Judge

